



CRL OP(MD) No.2637 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2637 of 2024

S.M.HARRIS AKBAR ... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.57 OF 2024)

... RESPONDENT / COMPLAINANT

MOHAMMED NASURUDDIN ...INTERVENER PETITIONER
/ DEFECT COMPLAINANT
IN CRL MP(MD)No. 2259 of 2024

For Petitioner : MR.T.LENINKUMAR, Advocate

For Respondent : MR.S.MANIKANDAN,
Government Advocate (Criminal Side)

For Intervener :M/S.V.SEBASTINAL PREETHI, Advocate
IN CRL MP(MD)No. 2259 of 2024

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.57 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE



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ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 468 and 471 of IPC, in Crime No.57 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that defacto complainant's daughter was married to the petitioner on 02.02.2014 and thereafter, there was matrimonial dispute between them. Hence, the petitioner filed a civil suit in O.S.No.154 of 2022 seeking declaration of divorce in view of triple Talaq. In the said suit, the complainant's daughter filed an I.A., to direct the petitioner to file an undertaking affiavit to the effect that he will not marry any other woman till the disposal of the said suit. In such circumstance, this petitioner obtained fake No Objection Certificate that already the petitioner divorced the defacto complainant's daughter by pronouncing triple Talaq. On the strength of that certificate, the petitioner is prepared to marry another woman. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Though the petitioner obtained NOC, the petitioner has no intention to perform the second marriage and the suit in O.S.No.154 of 2022 is pending before the District Munsif Court, Manapparai and to that effect, he



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filed an undertaking affidavit that he will not marry any other woman.

4. The learned Government Advocate (Crl.Side) would submit that investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and in view of the undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Veda sandur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/02/2024

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/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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INDU
TO

- 1 THE JUDICIAL MAGISTRATE,
VEDASANDUR
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-2446[I] dated 28/02/2024)

ORDER
IN
CRL OP(MD) No.2637 of 2024
Date :27/02/2024

PKP/GS/SAR /07.03.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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